

## TRADEMARKS

*Convention signed at Vienna November 25, 1871*  
*Senate advice and consent to ratification January 18, 1872*  
*Ratified by the President of the United States January 27, 1872*  
*Ratified by Austria-Hungary March 9, 1872*  
*Ratifications exchanged at Vienna April 22, 1872*  
*Proclaimed by the President of the United States June 1, 1872*  
*Entered into force July 21, 1872*  
*Not revived after World War I*<sup>1</sup>

17 Stat. 917; Treaty Series 13

The United States of America and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, desiring to secure in their respective territories a guarantee of property in trade-marks, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria and Apostolic King of Hungary, the Count Julius Andrassy of Csik Szent Király and Kraszna Horka, His Majesty's Privy Counselor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Order of St. Stephen, &c., &c., &c., who have agreed to sign the following articles:

### ARTICLE I

Every reproduction of trade-marks which, in the countries or territories of the one of the contracting parties, are affixed to certain merchandise to prove its origin and quality, is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

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<sup>1</sup> See art. 241 of Treaty of St. Germain-en-Laye signed Sept. 10, 1919 (*ante*, p. 277), and art. 224 of Treaty of Trianon signed June 4, 1920 (*post*, HUNGARY), the benefits of which were secured to the United States by the treaties establishing friendly relations dated Aug. 24, 1921 (TS 659, *ante*, p. 215), and Aug. 29, 1921 (TS 660, *post*, HUNGARY).

The exclusive right to use a trade-mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade-mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

#### ARTICLE II

If the owners of trade-marks, residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Patent-Office at Washington, and in the Chambers of Commerce and Trade in Vienna and Pesth.

#### ARTICLE III

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

In case neither of the high contracting parties gives notice of its intention to discontinue this convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

#### ARTICLE IV

The ratifications of this present convention shall be exchanged at Vienna within twelve months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention as well in English as in German and Hungarian, and have affixed thereto their respective seals.

Done at Vienna the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-one, in the ninety-sixth year of the Independence of the United States of America, and in the twenty-third year of the reign of His Imperial and Royal Apostolic Majesty.

JOHN JAY	[SEAL]
ANDRÁSSY	[SEAL]